IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A. GOPAL REDDY

WRIT PETITION NO : 18682 of 2004

Between:

Ch.Jitendernath Raju S/o Murthy Raju
Bynepalli, Nidamarru W.G.District.

..... PETITIONER

AND

Addl. Asst Engineer (Operation) AP.Eastern Power Distribution Co. ltd.,
Nidamarru W.G.District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus, directing the respondent to restore the service connection of power supply of the petitioner by declaring that action of the respondent vide his order Lr.No.AAe/O/NDMR/F dt. 19/08/2004 and disconnecting the power supply of the petitioner is highly arbitrary, illegal, violative of principles of natural justice, discriminatory violative of Art. 14,21 and 300-A of the constitution of India,

Counsel for the Petitioner:MR.C.RAMACHANDRA RAJU

Counsel for the Respondent No.: SMT.M.VINOBHA DEVI

The Court at the admission stage made the following ORDER:

Heard both sides.

Petitioner obtained service connection of power supply from the respondent for running his motor situated at Bynepalli, Nidamarru mandal and has been paying consumption charges regularly. While so, the respondent issued notice dated 19.08.2004 stating that the land of the petitioner is within the limits of +5 contour area of Kolleru and, therefore, as per the directions of the District Collector, West Godavari, the service connection will be removed within a week from the date of receipt of the notice. Challenging the said notice, the petitioner approached this Court by filing the present writ petition.

Learned counsel for the petitioner submits that this Court disposed of similar writ petition in W.P.No.18547 of 2004, treating the impugned notice in the said writ petition as the show-cause notice and the petitioners therein were permitted to submit their explanations to the respondent.

In view of the submission made by the learned counsel for the petitioner, this writ petition is also disposed of setting aside the impugned notice dated 19.08.2004 with a direction to the respondent to furnish a copy of the proceedings of the District Collector, West Godavari, Eluru in R.C.No.D6/11717/96, dated 08.08.1999 to the petitioner within one week from today. On receipt of the said proceedings, it is open to the petitioner to submit his explanation to the respondent treating the impugned notice as show-cause notice within one week thereafter. If such explanation is received within the

time specified above, the respondent shall consider the same and pass appropriate orders in accordance with law. Till the final orders are passed, the respondent shall restore the power supply to the petitioner's motor. This order will not preclude the Divisional forest Officer to take action against the petitioner under the Wild Life Protection Act, 1972 and the Rules made there under if the land of the petitioner is situated in the sanctuary area of Kolleru.

12.10.2004

Note:

Issue CC today.

(BO)

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To

1 Addl. Assistant Engineer (Operation), A.P. Eastern Power Distribution Co.Ltd., Nidamarru, West Godavari District.

2 Two CD copies.